

ENTERED

August 02, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TOMMY ALLEN O'NEAL,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:21-CV-103

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CASE FOR FAILURE TO PROSECUTE**

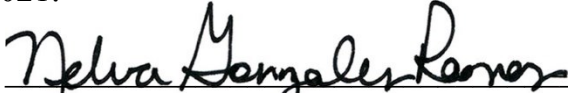
On July 1, 2021, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation to Dismiss Case for Failure to Prosecute” (M&R, D.E. 10). Petitioner was provided proper notice of, and opportunity to object to, the M&R. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. Petitioner acknowledged receipt of the M&R on July 7, 2021. D.E. 11. However, no objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 10), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the

Magistrate Judge. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

ORDERED this 2nd day of August, 2021.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE